



US Army Corps
of Engineers®

Nashville District

Public Notice

Public Notice No. **04-83**

Date: **December 1, 2004**

Application No. **2004-01092**

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch

(Attn: Kathleen J. Kuná)

3701 Bell Road, Nashville, TN 37214

kathleen.j.kuna@usace.army.mil

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND

STATE OF TENNESSEE
DIVISION OF WATER POLLUTION CONTROL MINING SECTION

SUBJECT: Proposed 200-linear foot (LF) culvert extension on Little Wolf Creek for the Vulcan Construction Materials, LP, Benton County Quarry, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, certification must be provided by the Tennessee Department of Environment & Conservation, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **Vulcan Construction Materials, LP**
Michael R. Mills, Vice President
Airpark II, Suite B-19
1410 Donelson Pike
Nashville, TN 37122
(615) 361-8550

LOCATION: The Confluence of Little Wolf Creek and Wolf Creek in Benton County near Holladay, TN. USGS Quad Map Rockport; Latitude N35°52'25", Longitude W88°07'25".

DESCRIPTION: The proposed action is the extension of an existing 96-inch culvert to encapsulation the final 200-feet of Little Wolf Creek. This activity would result in the total encapsulation of approximately 600 LF of the creek. Little Wolf Creek would be temporarily impounded and the flow pumped around the site during construction.

MITIGATION: The applicant proposes to mitigate for the loss of the open stream would take place in three phases. The first phase would be to rehabilitate drainage features internal to the quarry site. This primarily involves removing accumulated sediment from existing culverts and placing the material where it can be vegetated or in an overburden storage area depending on the constituents of the material.

The second phase of mitigation would enhance and restore four sites in a 1000 LF reach of Wolf Creek off site. Vegetated gabion structures would be used to stabilize the banks and to reduce the bank slopes from approximately vertical to 3:1. The gabions will be vegetated using black willow, cottonwood, and sycamore. A gravel bar just upstream of Site 4 will be removed (See attached maps). The gravel bar consists of approximately 200 cubic yards of material. This material will be transported to an upland area away from the stream and stabilized. Large trees that are obstructing the channel will also be cleared from the stream leaving root-wads to provide aquatic habitat. The mitigation area is to be protected with a perpetual deed restriction or conservation easement.

The final phase of mitigation would be the removal of the existing culverts from the quarry's processing plant yard upon the cessation of mining. A 25-foot road crossing of Little Wolf Creek would remain to provide access for the landowner. The remainder of this stream reach will be restored following a riparian restoration/stream habitat improvement plan that must be submitted to all regulatory agencies at a minimum of one-year prior to the cessation of quarry related activities.

The purpose of this project is to allow for the expansion of the existing permitted gravel quarry.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use,

navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Tennessee Department of Environmental Conservation (TDEC) in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before January 3, 2005, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Kathleen Kuná, at the above address, telephone (615) 369-7506.

It is not necessary to comment separately to TDEC since copies of all comments will be sent to them and will become part of their record on the proposal. However, comments sent to TDEC should be sent directly to the Division of Water Pollution Control, Mining Section, 2700 Middlebrook Pike Suite 220, Knoxville, TN 37921, Re: M2004-08. Questions concerning this certification should be addressed to Dave Turner at 865-594-5541 or Dan Murray at 865-594-5549.

PROJECT LOCATION
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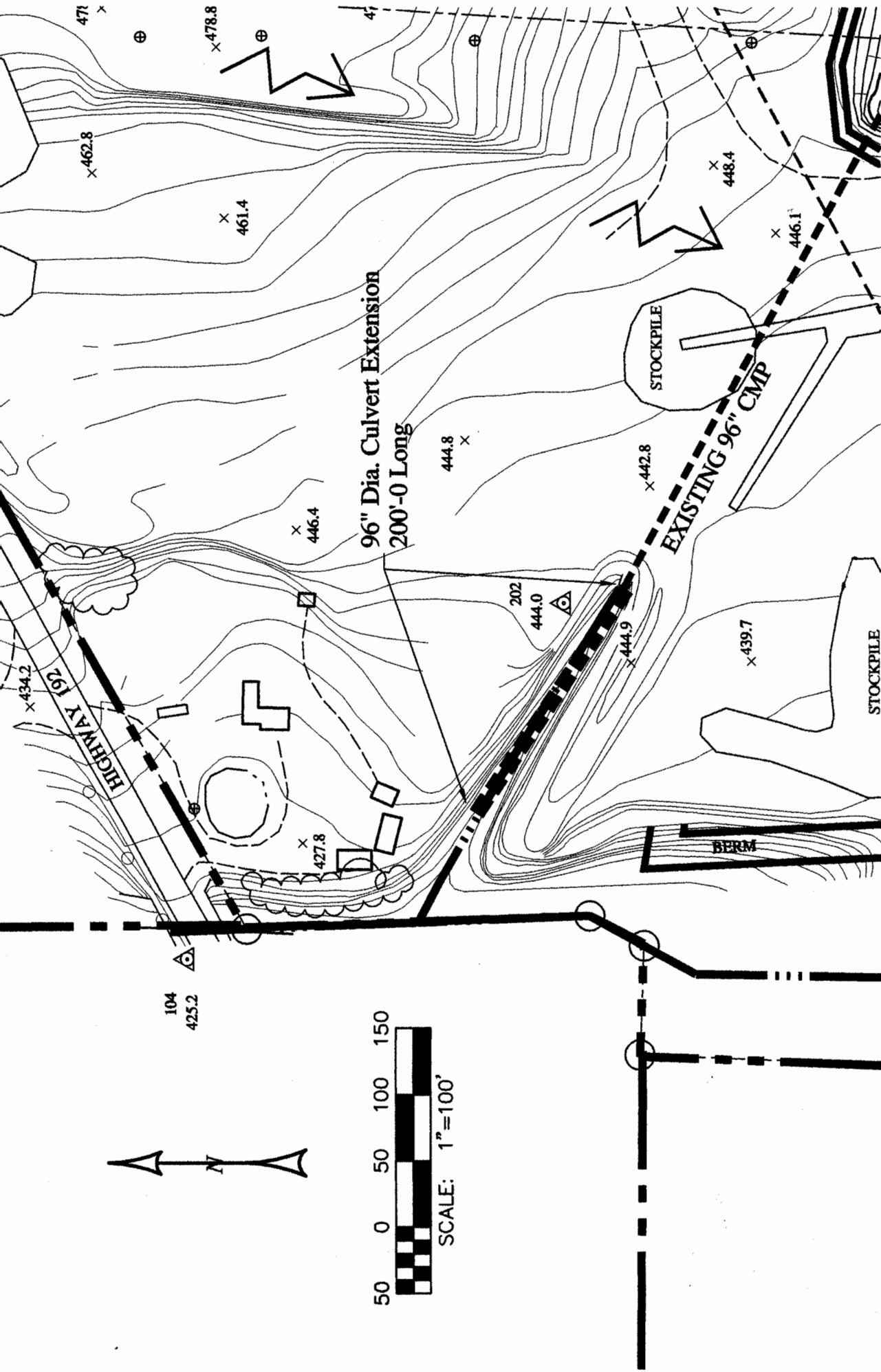


Figure 2
Culvert Location

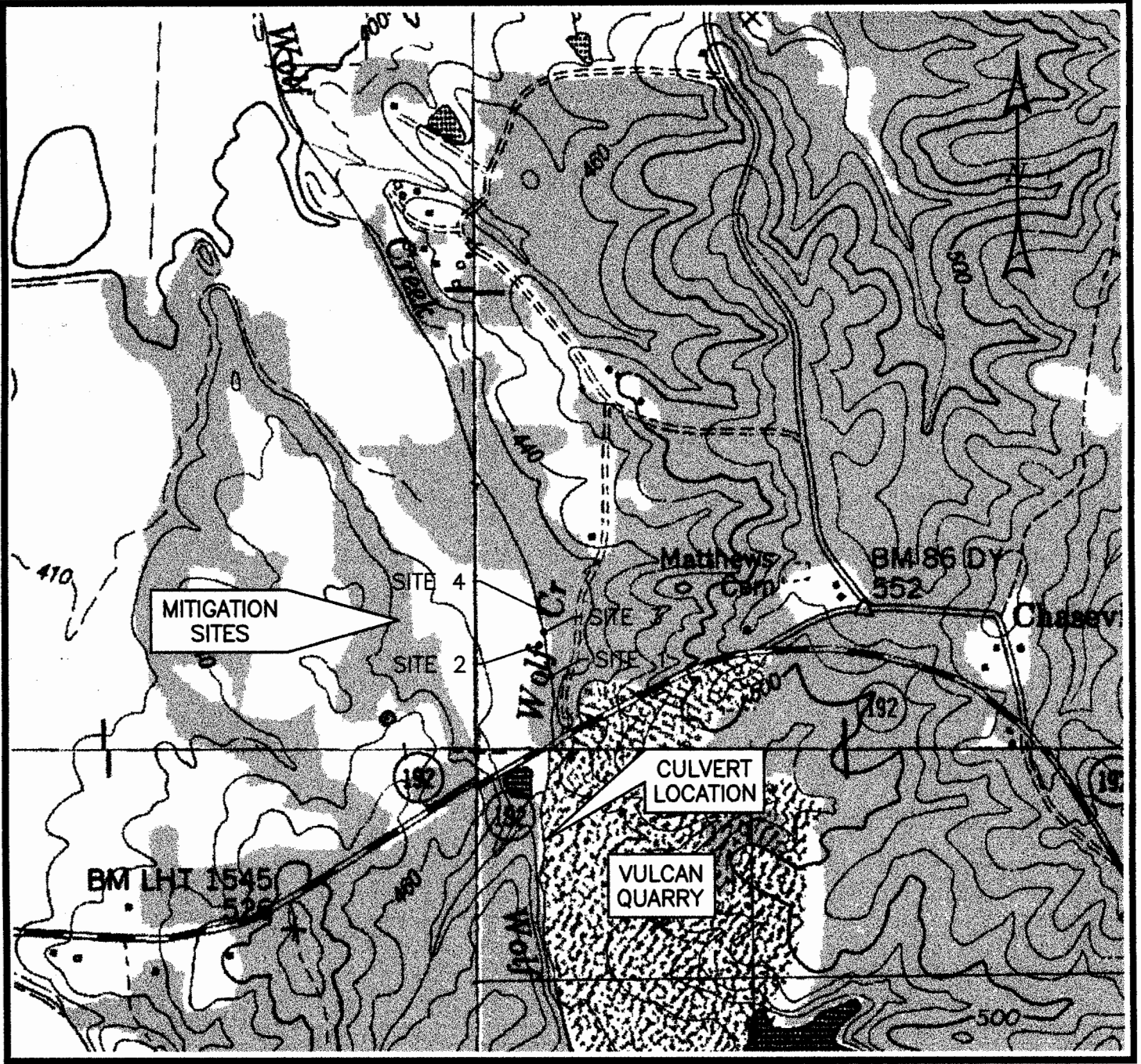
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Sheet **2** of **4**

GRIGGS & MALONEY
INCORPORATED
Engineering & Environmental Consulting

P.O. BOX 2968, MURFREESBORO, TN 37133-2968
(615) 885-8221 • FAX (615) 885-0632

FILE NAME: G:\Environ\112\112-179 Fig 2 Culvert Location.dwg

Vulcan Materials Company
Little Wolf Creek
Benton County, Tennessee
Project No. 112-179 October, 2004



1000 0 1000 2000 3000



SCALE: 1"=1000'

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Taken from: U.S.G.S.
7.5 Minute Series (Topographic)
Seventeen Creek, Rockport,
Holladay, and Sugar Tree Quadrangles

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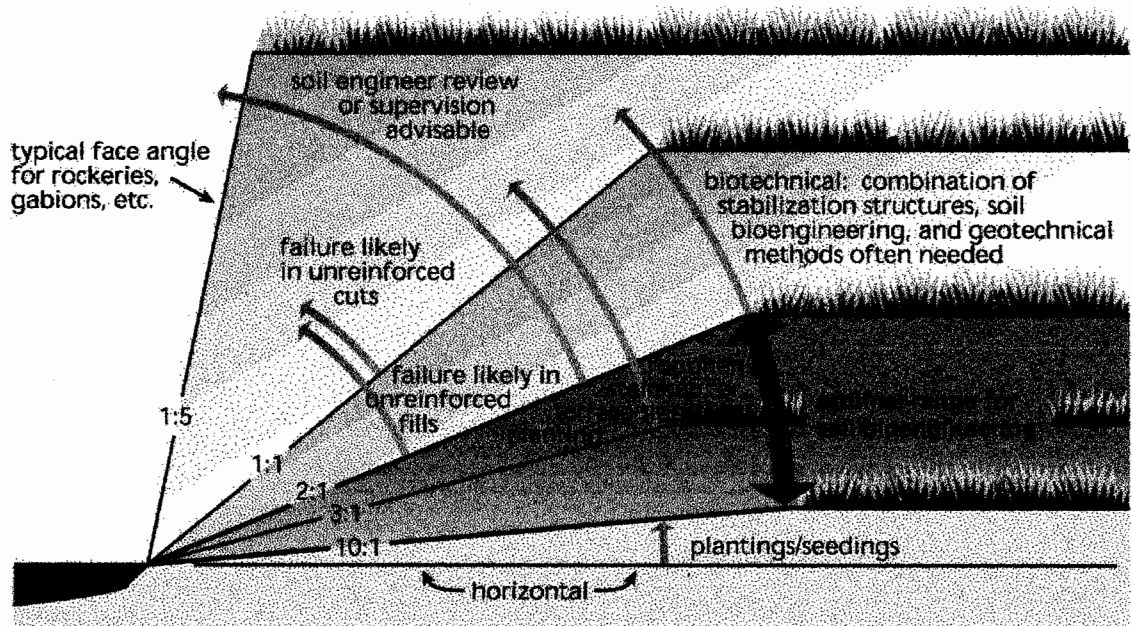
FILE NAME: G:\Enviro\Active\112\112-179 Mitigation Sites.dwg

Figure 1
Prospective Mitigation Sites

Vulcan Materials Company
Wolf Creek
Benton County, Tennessee

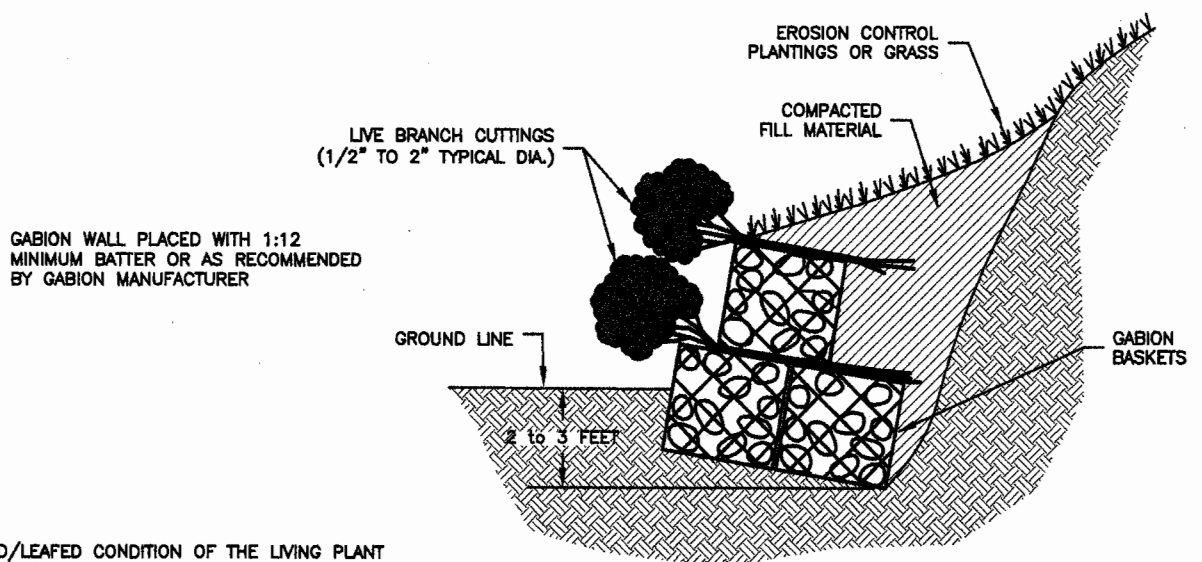
Project No. 112-179

August, 2004



SOURCE: STREAM CORRIDOR RESTORATION: PRINCIPLES, PROCESSES, AND PRACTICES (10/98)

FIGURE 3
STREAM BANK STABILIZATION MODEL
N.T.S.



NOTES

1. ROOTED/LEAFED CONDITION OF THE LIVING PLANT MATERIAL (SHOWN IN PART OF DETAIL) IS NOT REPRESENTATIVE OF THE TIME OF INSTALLATION.
2. PLANT SPECIES CUTTINGS SPECIFIED IN BODY OF MITIGATION PROPOSAL

FIGURE 4
VEGETATED ROCK GABION
N.T.S.

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